

The Highland Licensing Board

Meeting – 4 November 2014

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| Agenda Item | 7.5 |
| Report No | HLB/140/14 |

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Simpsons Garden Centre, Inshes, Inverness IV2 5BA

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/527

This Report relates to an application for a major variation of a Premises Licence by Simpson Highview Limited, Highview House, Inshes, Inverness IV2 5BA per Macleod and MacCallum, 28 Queensgate, Inverness IV1 1YN

1.0 Description of Premises

The premises provide both on and off sales and comprise a restaurant located in a garden and plant centre, serving a wide range of hot and cold meals, drinks snacks and baking products. The garden centre is in a semi-rural location on the outskirts of Inverness.

2.0 Current Operating Hours

On Sales:

Monday to Saturday 1100 hours to 1800 hours

Sunday 1200 hrs. to 1800 hours

Off Sales:

Monday to Sunday 1000 hours to 1800 hours

3.0 Summary of Variation Application

3.1 The applicant seeks to vary the premises licence as follows:-

1. Change to Operating Plan: amend opening times for on sales to 09.00 hrs Monday to Sunday inclusive.
2. Increase Off Sales capacity to 38 square metres.
3. Change to Layout Plan. Off Sales area is relocated to area shown hatched in blue on the layout plan. Off Sales capacity increased to 38 square metres.
4. Amendment to email address of premises manager.

4.0 Background

4.1 On 24 September 2014 the Licensing Board received an application for a major variation of a Premises Licence from the applicant's agent, Macleod and MacCallum.

4.2 The application was publicised during the period 29 September 2014 to 20 October 2014 and confirmation that the site notice was displayed has been received.

4.3 No notices of objection to the application or representations have been received.

4.4 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's Community Services (Environmental Health), Planning, Building Standards were consulted on the application.

No objections or representations have been received from these consultees.

4.5 Notification of the application was also sent to NHS Highland and the local Community Council (Westhill).

5.0 Legislation

5.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to; (i) the nature of the activities carried on or proposed to be carried on in the subject premises, (ii) the location character and condition of the premises, and (iii) the persons likely to frequent the premises, the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

The LSO has provided the following comments:-

The premises in question are a large scale garden centre situated on the outskirts of Inverness. Within the complex is a large self-service restaurant which is a popular eatery and serves a small range of alcohol as an ancillary service to diners. The restaurant has established itself as a popular destination for families as well as shoppers and is busy all year round.

The operating history of the premises is entirely trouble free and compliance visits by the LSO show the premises to be operated in accordance with the terms of its licence.

The application seeks to extend the on sales hours to allow service of alcohol from 0900hrs. With the provision of extensive menu choices for hot and cold food the premises are well placed to comply with the requirements of the Highland Licensing Board's early hours criteria. It is envisaged that supplies of alcohol out-with conventional hours will be minimal; however requests, particularly from foreign visitors, are made.

The application also seeks to re-position the existing off sales display and also to increase capacity. The premises apart from gardening supplies offer a large range of luxury goods lines and the range of quality alcohol products complements this. The premises have successfully operated off sales for a number of years and this increase in capacity in the view of the LSO does not adversely affect the Licensing Objectives.

7.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Statement 2013-16
- (ii) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

There are no existing local conditions and none are considered necessary.

Recommendation

The Board is invited to determine the above application.

If the Board are minded to refuse the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/INBS/527

Date: 2 October 2014

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.